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#23

PATENT
Attorney Docket No.: HELLO-08601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter O. Schmidt et al.

Serial No.: 09/801,442

Filed: March 7, 2001

For: **AN ELECTRONIC DEVICE
UTILIZING AN EARPLUG
SUPPORT ELEMENT AND
METHOD FOR PROVIDING THE
SAM**

Group Art Unit: 2643

Examiner: S. Tran

TRANSMITTAL LETTER

162 N. Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No.: 28960

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OFFICE OF PETITIONS

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Technology Center 2600

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Petition to Revive Abandoned Application Under 37C.F.R. § 1.181 for Lost mail in Response to Telephone Call on April 16, 2004. Also, attached is a copy of the Office Action filed May 5, 2003, for filing with the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 4-16-04

By: Thomas B. Haverstock
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

- 1 -

HAVERSTOCK & OWENS LLP.
Date: 4/16/04 By: [Signature]



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Group Art Unit: 2643

APR 22 2004

Examiner: S. Tran

OFFICE OF PETITIONS

**PETITION TO REVIVE ABANDONED
APPLICATION UNDER 37 C.F.R.
§ 1.181: LOST MAIL IN RESPONSE TO
TELEPHONE CALL ON April 16, 2004**

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Sunnyvale, California 94086
(408) 530-9700

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned received a telephone call from the examiner, S. Tran, on April 16, 2004 related to the above-captioned application. In particular, Examiner Tran stated that she never received the Response to the Office Action mailed on March 18, 2003 and that the case is now abandoned.

Enclosed is a copy of the date stamped post card received from the USPTO indicating receipt of the Response to the Office Action on May 12, 2003. A copy of the Response is attached to this petition.

The Applicants hereby petition under 37 C.F.R. § 1.181 for the revival of the patent application and for the application to proceed on the merits.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 4-16-04

By: Thomas B. Haverstock

Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. § 1.6(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 4/16/04 By: [Signature]



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Technology Center 2600

Serial No.: 09/801,442 H&O File No.: Hello-08601 By: TBH/JC
In the Matter of The Application of: Peter C. Schmidt et al
Date Mailed: 5-8-03 Due Date: 6-15-03
The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
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| <input type="checkbox"/> Design Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts) | <input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> Utility Patent Application _____ Pages | <input type="checkbox"/> Form PTOL-85B (Issue Fee Trans.) & dup. | <input checked="" type="checkbox"/> Certificate of Mailing |
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| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | |
| <input type="checkbox"/> Drawings: _____ Sheets(s) | <input type="checkbox"/> Req. for Corr of: _____ | |
| <input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Request for Non-Publication | |
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| References Contained Thereon | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Information Disclosure Certification | <input type="checkbox"/> _____ | |
| <input checked="" type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | |
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